

# A B R I E F E

## Of the Defence made to justify that the Peace concluded in IRELAND in the Year, 1648. is Valid, notwithstanding the Objections raised to Invalidate the same.



*It is first objected against the said Peace, That it was a meer Force on His late MAJESTY.*

**T**O this, Answer is made, That there was no Force made use of by those who obtained it, having onely Employed some Persons in the Year 1647. to FRANCE, to Petition the Queen and your Majesty, then Prince of Wales, in Order to the obtaining thereof, his late MAJESTY being then in Restraint.

That in the said Year 1647. when they so Petitioned, there was no Town or Place in Ireland in his late Majesties hands, all being then Possessed by the Usurped Government, other then what his Majesties Catholick Subjects held, and consequently there was no subject matter against which such pretended Force could be practiced; but on the contrary, the said Catholicks made use of their Forces against some of their own Party, who unadvisedly opposed the Cessation then concluded with the Lord of Insiquine, which Cessation was made purposely the better to introduce his Majesties Authority into Ireland by a Conjunction with so considerable a Party.

That his late Majesties Restraint was the Act of others and not of the said Catholicks, which should rather render the said Peace more firm, being concluded by his Majesties Lieutenant, in order to his Rescue from that Restraint, by the Conjunction of that Party of his own Subjects, as is mentioned in Your Majesties Declaration of the Thirtieth of November, to prevent that horrid Paracide which after ensued.

That after the said Peace was concluded, Your Majesty owned the said Catholicks of Ireland for your Loyal Subjects, and they were the first in Your Dominions who Proclaimed Your Majesty King. They fought several years by your Authority, and lost their Blood and Estates in your Service: And Your Majesty in Your said Declaration, was pleased to own the said Peace, and hold your self Obligated to perform what You owe by it, to such who constantly adhered thereunto; and yet the Objectors stile it a meer Force.

*The Second Objection against the said Peace is, That it was broken on the Part of the said Catholicks, by the Proceedings of some of the Clergy met at James-Town, and by the Disobedience of some Towns.*

**T**O this is Answered, That the Proceedings of the Clergy met at James-Town, was the Act of a few met there without any Authority; That the Commissioners of Trust Authorized by the Lord Lieutenant, Pursuant to the said Peace, expressed their Detestation of the said Proceedings; that the Officers of the Army did the like by a Publick Protest in Writing. And that the Assembly met at Loughbreagh by the Lord Lieutenants Order, protested against any Power in Clergy or Laity that should go about to take from them, or intrench upon your Majesties Authority, as more fully doth appear by the said Protestation, wherein the chiefeft of the Clergy

ng of the said Clergy James-Town, the Lord Lieutenant by his Letters and Declaration concerning the said Proceedings, took notice first, the said Actors at James-Town were onely a few factious Clergy-men; Declaring further in his said Letters, that he found the Nobility and greater part of the Gentry, continued faithful to your Majesty, obedient to your Authority, and worthy of your Favour and Protection: That as the Estates of the said Catholicks were taken from them by the Usurper, so were many of their Papers; and therefore must appeal to the said Lord Lieutenant for the truth of this Allegation.

That the Lord Lieutenant duly weighing the matters aforesaid, on his Departure out of the Kingdom, intrusted your Majesties Authority with the late Lord Marquess of Clanriccard as Deputy, to whom the Nobility and Gentry payed all due obedience; and when his Excellency did depart, there was no Town or considerable Place in your Majesties Hands but Limerick and Gallway, and the Counties of Gallway, and Clare, the other Parts of Cannaught being waste, and the rest of the Kingdom lost, principally by the defection of the Earle of Insiquines Army, and their betraying of the considerable Towns of Munster into the Usurpers hands; all which happened before the Proceedings of that Party of the Clergy met at James-Town, as aforesaid.

*As to the Disobedience Objected against the Towns of Waterford, Limerick, and Gallway.*

**T**hey have made each of them particular Answers, by which their Services to the Crown in several Ages past do appear. And wherein the Disobediences objected against them are so far extenuated as they proceeded onely from factious Parties in the said Towns; for which those free from those Disobediences should not suffer. And say, that repenting themselves of their former errors, they received Garrisons and stood out even to extremity.

As to the rest of the Towns, they have given signal Testimonies of their Loyalty, and suffered much in defence of these against the Usurper.

That after the Lord Lieutenants Departure out of Ireland, the said Catholicks under the Command of the said Lord Deputy opposed the Usurpers Forces. That Your Majesty took notice of their Loyalty, and owned their said Actings as a special Service, encouraging (by your Majesties several Letters directed to the said Lord Marquess of Clanriccard, in the Year 1650. and 1651.) their continuance in Arms, as advantageous by way of Diversion to the then intended Progress and Design of your Armies in England, and Scotland; upon notice whereof, though their condition was low, yet they rejected advantageous offers proposed to them by Ireton, then Commanding in Chief the Usurpers Forces, choosing rather to run any hazard then to give him (by acceptance of his offers) an opportunity to employ his Forces then in Ireland to the prejudice of Your Majesties said Designs in England and Scotland; and therefore continued in Arms till the said remaining Towns were by extremity and long Sieges forced to yield, after the Defeat of Worcester, and until the said Lord Deputy was forced with the Party he had to betake himself to the Mountains for their safety; and then his Lordship was Licensed by Your Majesty to permit Your said Subjects to make the best Agreement they could for themselves, when they were in a very incapable way to obtain any considerable Conditions: which sufferings, and constant perseverance in their Loyalty, we hope may merit a better construction of their actions then these who now raise Objections against the said Peace do insinuate.

Upon the whole matter it is evident, That by the said Peace concluded in the Year 1648. with the general Assembly, and the Recognition thereupon of Your Majesties Authority, their Confederacy was dissolved; and that consequently from thenceforth Your Majesties Laws and Authority were to be the rule and support of Your Subjects Lives and Fortunes. That being so, It is humbly offered that none can pretend to invalidate the said Peace by the subsequent defection or crimes of any particular persons, such Offenders being punishable by Your Majesties known Laws, without seeking by any extraordinary way of proceeding to deprive the innocent as well as the nocent of the benefit of the said Peace.

If any of Your Majesties Subjects of England, having generally declined the late Usurped Power, and submitted to your Majesties Authority, should revolt and raise Arms, yet ought not (as is humbly conceived) the punishment thereof to fall on any but the Offenders, nor deprive any other of the benefit of the former Indemnity granted by your Majesty to your Subjects. The difference is apparent between that case and that of the Subjects of a Foreign Prince, who should violate the Conditions of any League or Peace between two Princes; for in the latter, It is the Law of Nations, and not the Municipal Law, which alloweth the taking of satisfaction from any other Subject of the said Foreign Prince, (though not offending) but that manner of proceeding, can by no Law or Justice, be warranted against Your Majesties own Subjects, when they offend, the power of punishing such being in your self by the known Laws of the Land, but not so in the other.

If ten persons had been found in Sodom, the whole City had been spared; and therefore 'tis not to be doubted, but that (if your Majesty, who exceedeth all Princes on Earth in Clemency and justly Merits, that special Stile of King of Mercies and Pardons; the extent whereof hath been so largely diffused throughout all Your Dominions) will not think fit to spare the non-adherers to Your said Peace for their sakes who constantly adhered thereunto, being the greater number (as we hope on examination will appear) yet you will be graciously pleased to spare the Adherers, and provide for them and their Restitution in the present Act of Settlement without obstructing the same by Reprials, Provisoes, Grants, Instructions, or otherwise.

*Read before His Sacred Majesty sitting in Council, March 12. 1661.*